

REMARKS

With entry of this Supplemental Amendment, claims 13, 26, 52-76, 78, 79, and 81-87 are pending in the application.

On January 11, 2006, Applicants filed a Supplemental Amendment in response to the Communication from the Office mailed July 12, 2005. In the Communication, the Office advised Applicants that their Amendment filed March 31, 2005, was not fully responsive because Applicants requested that objections to claims 26, 52, 70-80, 82, 83, and 85 made in the Office Action mailed September 23, 2004, page 4, be held in abeyance. The Office had objected to claims 26, 52, 70-80, 82, 83, and 85 "for reciting or encompassing non-elected inventions (GPCR's in addition to the α 2A adrenergic receptor)." The Office also objected to claims 70, 82, 83, and 88 as depending from non-elected claims. To comply with the Communication, In the Supplemental Amendment Applicants amended the claims to the α 2A adrenergic receptor as required.

On January 11, 2006, Applicants also filed a Petition seeking review of the restriction requirement set forth in the Office Action mailed April 22, 2003. The Office mailed a Decision on Petition on May 2, 2006. Applicants' Petition was granted-in-part:

Upon review of the holding [in the Office Action mailed April 22, 2003] it is clear that the holding should, at most, have been considered a request for an election of species, not a Lack of Unity holding, based on the fact that applicants have now claimed specific species within the elected Group which were not previously claimed, and it will be so construed. Applicants have complied and elected a species on which prosecution has proceeded. Should the elected species be found allowable over the art, the examiner will follow the guidelines in M.P.E.P. 803.02 for consideration of other species.

* * *

The application will be forwarded to the examiner for further consideration of applicants' reply and further action not inconsistent with this decision.

Decision, page 3 (emphasis in original).

In view of the Decision on Petition, Applicants submit this Supplemental Amendment to restore the claims to recite the language that was under examination before submission of the January 11, 2006, Supplemental Amendment. Applicants have entered new claims 86 and 87, which correspond to previous claims 77 and 80. No new matter has been entered into the application.

Applicants have also amended claims 26, 82, 83, and 85. Those amendments to these claims restores the language that existed in the claims prior to submission of the Supplemental Amendment filed on January 11, 2006. The amendments do not enter new matter.

Applicants have also changed the designation of claims 13, 53-69, 81, and 84 from "withdrawn" to "previously presented."


As instructed by the Decision on Petition, Applicants respectfully request that the Office examine the claims consistent with the elected species " α 2A adrenergic receptor," and if found patentable, proceed to examine the further species within the scope of the claims.

Applicants do not believe that an Extension of Time is required to obtain entry of this Supplemental Amendment. If this is incorrect, however, please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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